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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/772,628	02/05/2004	Ray Vincent	284-23258-USD	5647

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EXAMINER

KRECK, JOHN J

ART UNIT	PAPER NUMBER
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3673

DATE MAILED: 09/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/772,628

Applicant(s)

VINCENT ET AL.

Examiner

John Kreck

Art Unit

3673

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 28 June 2005.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 12-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 12-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Art Unit: 3673

DETAILED ACTION

The amendment dated 6/28/05 has been entered.

Claims 1,2,12-16 are pending.

Applicant's amendment has significantly broadened claim 2; therefore the previously indicated allowability of claims 2 and 12-16 is withdrawn in view of the rejection below.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brandell (U.S. Patent number 5,117,910) in view of Richard, et al. (U.S. Patent number 5,598,890) and Renfroe, Jr. (U.S. Patent number 4,834,176).

Brandell teaches the positioning; cementing; and purging. Brandell fails to disclose the production valve and the opening of the production valve. Brandell generally teaches the production fluid entering through the bottom of the tubing.

It is well known to attach production valves to the bottom of such tubing, in order to control flow of produced fluids. Richard teaches this concept.

Renfroe teaches that it is advantageous to use pressure operated production valves, in order to avoid running in a tool to open the valve.

It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the Brandell process to have included a pressure operated production valve and the step of opening the valve as called for in claim 1 in order to control production fluid.

Claims 2, and 12-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brandell (U.S. Patent number 5,117,910) in view of Baker (U.S. Patent number 3,948,322), Richard, et al. (U.S. Patent number 5,598,890), and Renfroe, Jr. (U.S. Patent number 4,834,176).

Brandell teaches the assembling, positioning, delivering, increasing and pumping. Brandell fails to teach the inflating the casing packer and the pressure operated production valve.

Baker teaches a similar process, and uses an inflatable packer; thus teaching inflating a packer. The inflatable packer provides a better seal.

Richard teaches a similar process, and also teaches that a production valve is useful to prevent contamination of production pathways.

Renfroe teaches an affixed production valve which is opened by pressure displacement in the internal bore of the tubing.

It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the Brandell process to have included an inflatable packer,

Art Unit: 3673

and thus the step of inflating in order to provide a better seal. It would have been obvious to one of ordinary skill in the art at the time of the invention to have further modified the Brandell process to have included a pressure operated production valve as called for in claim 2., in order to prevent contamination of production pathways.

With regards to claim 12, Baker teaches the production packer.

Brandell teaches the pump-down plug called for in claim 13.

Renfroe teaches the increasing pressure as called for in claim 14.

Brandell teaches displacing the pump down plug as called for in claim 15: note that the claim language is rather broad. For example, displacing a plug from a toolbox to the well head prevents it from obstructing a flowpath.

Brandell teaches producing the well as called for in claim 16.

1. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Doggett, et al. (U.S. Patent number 3,865,188) in view of Renfroe, Jr. (U.S. Patent number 4,834,176).

Doggett teaches the positioning, cementing, purging and opening. Doggett fails to teach the affixed pressure activated production valve, and likewise fails to teach the step of opening by fluid displacement. Doggett fails to teach any structure for the production valve, but suggests opening the valve with a tool.

Renfroe teaches an affixed production valve which is opened by pressure displacement in the internal bore of the tubing.

It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the Doggett process to have included an affixed production valve which is opened by pressure displacement and to have included the step of opening by fluid displacement as called for in claim 1; since a pressure activated valve would be simpler to operate.

2. Claims 2, 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Doggett, et al. (U.S. Patent number 3,865,188) in view of Renfroe, Jr. (U.S. Patent number 4,834,176).

Doggett teaches the process including assembling a string; positioning; delivering (see column 8, lines 33-65); increasing fluid pressure; increasing pressure; and pumping. Doggett fails to teach the pressure activated production valve, but suggests a production valve operated with a tool.

It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the Doggett process to have included a production valve which is opened by pressure as called for in claim 2; since a pressure activated valve would be simpler to operate.

Doggett teaches the packer as called for in claim 12.

Art Unit: 3673

2. Claims 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brandell, et al. in view of Baker (U.S. Patent number 3,948,322).

Brandell teaches the positioning tubing, pumping cement, and closing a cementing valve. Brandell shows a packer 94), but fails to teach the inflating the packer.

Baker teaches a similar process, and uses an inflatable packer; thus teaching inflating a packer. The inflatable packer provides a better seal.

It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the Brandell process to have included inflating the packer as called for in claim 17, since inflatable packers provide better seals.

3. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brandell and Baker as applied to claim 17 above, and further in view of Richard, et al. (U.S. Patent number 5,598,890).

Brandell fails to teach the increasing pressure to open a production valve.

Richard teaches a similar process, and also teaches that a production valve is useful to prevent contamination of production pathways. Richard further teaches that the valve is opened with a shifting tool using known methods. Official notice is taken of the fact that increasing fluid pressure is a known method of opening a valve with a shifting tool.

It would have been obvious to one of ordinary skill in the art at the time of the invention to have further modified the Brandell process to have included increasing

pressure to open production valve as called for in claim 20, since use of a production valve prevents contamination of production pathways.

Response to Arguments

4. Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's arguments regarding claims 17+ are noted, insofar as they are applicable to the current claims they are not persuasive. Applicant has requested evidentiary support for the taking of official notice: see Mashaw, Jr., et al. (U.S. Patent number 5,183,114) and Schwegman (U.S. Patent number 3,552,718).


5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Kreck whose telephone number is 571-272-7042. The examiner can normally be reached on M-F 5:30 am - 2:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Shackelford can be reached on 571-272-7049. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


John Kreck
Primary Examiner
Art Unit 3673

12 September 2005